

Notice of Allowability

Application No.

10/707,923

Examiner

Milton Nelson, Jr.

Applicant(s)

HARMON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/26/05.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 26 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

An examiner's amendment to correct obvious errors appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

1. In line 3 of claim 6, the second occurrence of "said" has been deleted, and - - of - - has been inserted after "plurality".
2. In line 2 of claim 7, - - a - - has been inserted after "by".
3. In line 3 of claim 10, - - of - - has been inserted after the second occurrence of "plurality".
4. In line 33 of claim 12, the second occurrence of "move" has been deleted.
5. In line 9 of claim 13, - - on - - has been inserted after "located".
6. In line 22 of claim 13, "an" has been changed to - - a - - .

Claims 1-14 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record fails to show an armrest and back member including a second lever having a first end and a second end, the second lever

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having an oval slot located adjacent the second end thereof; a ball that is located in an oval slot; a second pivot pin that is secured to the first and second side walls and extends through the second lever to locate the ball adjacent a second plate with the ball in tangential engagement with the second side wall and in contact engagement with the first lever; and an actuator for applying an input force to the first end of the second lever that causes the second end of the second lever to pivot about the second pivot pin and move the ball on the second side wall such that a force is applied to the first lever through contact engagement with the ball that causes the first lever to laterally move toward the first side wall as a function of a flexure of a cantilevered beam to bend such that the second plurality of teeth are moved out of engagement with the first plurality of teeth, in combination with other specifically claimed features.

Regarding claim 8, the prior art of record fails to show an armrest and back member including a second lever having a first end and a second end, the second lever having an oval slot therein that is located adjacent the second end; a ball located in an oval slot; a second pivot pin secured to the first and second side walls and extending through the second lever to position the ball adjacent the plate with the ball being located in tangential engagement with the second side wall and in contact engagement with the first lever; and an actuator for applying an input force to the first end of the second lever that causes the second end of the second lever to pivot about the second pivot pin and move the ball on the second side wall such that a force is applied to the first lever through the contact engagement with the ball that causes the first lever to laterally move toward the first side wall as a function of a resiliency of the cantilevered

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beam such that the second plurality of teeth are moved out of mesh engagement with the first plurality of teeth, in combination with other specifically claimed features.

Regarding claim 12, the prior art of record fails to show an armrest and back member including a second lever having a first end and a second end, the second lever having a tapered radial projection that is located adjacent the second end thereof, the tapered radial projection having an apex that is located near a top of the second lever; a second pivot pin secured to the first and second side walls and extending through the second lever to locate the radial projection on the second lever adjacent the plate such that the apex engages the first lever; an actuator for applying an input force to the first end of the second lever that causes the second end of the second lever to pivot about the second pivot pin and move the tapered radial projection such that a force is applied to the first lever that causes the first lever to laterally move toward the first side wall a function of a resiliency of the cantilevered beam and correspondingly move the second plurality of teeth out of mesh engagement with the first plurality of teeth, in combination with other specifically claimed features.

Regarding claim 13, the prior art of record fails to show an armrest and back member including a lever having a first end and a second end, the first end of the lever being fixed to the first end of the first side wall to define a cantilevered beam, the lever having an opening with a second plurality of inwardly extending radial teeth located adjacent the second end, the second plurality of teeth meshing with the first plurality of teeth; an actuator having a first end and a second end, the actuator having a circular slot therein that is located adjacent the second end; a ball located in the circular slot;

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and a guide surrounding the actuator to locate the ball adjacent the plate wherein the ball is in tangential engagement with the second side wall and in contact engagement with the lever, the first end of the actuator receiving an input force that is transferred to the second end thereof to move the ball on the second side wall such that a force is applied to the lever through the contact engagement causing the lever to laterally move toward the first side wall as a function of a resiliency of the cantilevered beam such that the second plurality of teeth are moved out of mesh engagement with the first plurality of teeth, in combination with other specifically claimed features.

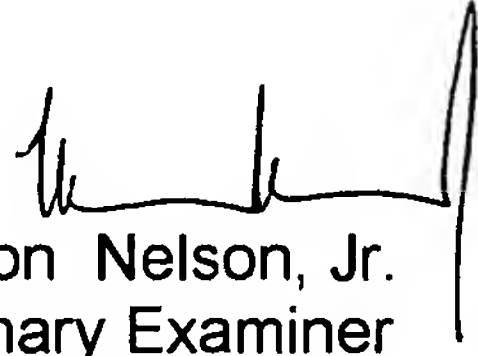
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 5712726861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
April 27, 2005